FOR ARGUMENT

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1975

No. 75-1513

ALAN J. DIXON, SECRETARY OF STATE OF ILLINOIS,

Appellant,

vs.

DENNIS N. LOVE,

Appellee.

On Appeal from the United States District Court for the Northern District of Illinois, Eastern Division

REPLY BRIEF AND ARGUMENT FOR APPELLANT

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REPLY BRIEF AND ARGUMENT FOR APPELLANT

THE REVOCATION OR SUSPENSION OF A DRIVER'S LICENSE WITHOUT A PRELIMINARY HEARING, BASED UPON THE NUMBER OF TRAFFIC VIOLATIONS FOR WHICH A DRIVER HAS BEEN CONVICTED, COMPORTS WITH THE PRINCIPLES OF DUE PROCESS OF LAW.

Regulation of vehicular traffic has been a constant source of difficulty throughout modern history. Today, the automobile has become practically a necessity in the lives of the American people. At the same time, the sheer volume of automobiles traveling our highways has

multiplied the problem many-fold.[1] It is, therefore, imperative that the states have broad and pervasive authority to regulate vehicular traffic in order to protect the health and safety of their citizens. Consequently, the states, in the exercise of their police power, have an unquestioned right to limit the use of their highways to individuals who do not present a danger to the public. While it is undisputed that a driver's license, once issued, cannot be taken away without due process of law, due process does not require a preliminary hearing in every instance.

Although the traffic violations which underlie a suspension or revocation under § 6-206(a)2 are less serious in nature than those for which revocation is required under § 6-205, a driver who commits 3 or more moving violations within 12 months has a driving record which indicates that it is probable that he poses a threat to public safety.

During 1975 there were 27,500,000 accidents reported in the United States. Approximately 89% of these accidents were caused by the improper driving of the motorists involved, the most common causes being speeding and failure to yield the right of way.[2] Consequently, it cannot be disputed that a motorist who is convicted of three or more of such traffic offenses during a 12-month period has demonstrated a disrespect

[1] The National Safety Council estimates that during the year 1975 motor vehicle mileage traveled in the United States was 1.33 trillion. (1976 Edition, *Traffic Accident Facts*, National Safety Council.)

[2] 1976 Edition, *Traffic Accident Facts*, National Safety Council. In most accidents, factors are present relating to the driver, the vehicle, and the road. The interaction of these factors often sets up the train of events culminating in the mishap. The Improper Driving Table (below) relates just to the driver and shows the principal kinds of improper driving that were factors in accidents.

(Footnote continued on following page)

for the traffic laws to such a degree that he poses a danger to the safety of other persons on the highways. Under such circumstances, the summary *ex parte* suspension or revocation of driving privileges is warranted.

Furthermore, an examination of the "Illinois Offense Violation Table" promulgated by the Secretary of State indicates that most summary suspensions for minor traffic violations are for a relatively short period of time. Part IV of the table indicates the number of points used as a basis in determining whether an order of revocation or suspension is to be entered and the period of suspension:

A. 110 points or more—revocation
B. 100-109 points—12 mo. suspension
C. 90-99 points— 9 mo. suspension
D. 75-89 points— 6 mo. suspension
E. 45-74 points— 3 mo. suspension
F. 20-44 points— 2 mo. suspension
G. 10-19 points— 1 mo. suspension

[2] *continued*

Improper Driving Reported in Accidents, 1975

Kind of Improper Driving	Fatal Accidents			Injury Accidents			All Accidents*		
	Total	Urban	Rural	Total	Urban	Rural	Total	Urban	Rural
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Improper driving	76.9	84.7	75.2	85.3	88.6	82.3	89.0	91.1	85.2
Speed too fast†	31.1	26.3	32.0	21.8	15.7	27.0	20.0	12.7	33.5
Right of way	15.7	29.5	12.7	25.5	34.3	17.7	24.4	27.5	18.8
Failed to yield	*11.2*	*21.5*	*9.0*	*18.5*	*23.0*	*14.6*	*18.0*	*19.2*	*15.9*
Passed stop sign	*2.6*	*2.5*	*3.0*	*2.6*	*3.2*	*2.0*	*2.3*	*2.5*	*1.9*
Disregarded signal	*1.9*	*5.5*	*0.7*	*4.4*	*8.1*	*1.1*	*4.1*	*5.8*	*1.0*
Drove left of center	14.0	5.8	15.7	5.1	3.2	6.8	4.8	3.0	8.1
Improper overtaking	1.9	0.7	2.1	1.8	1.5	2.1	3.7	3.8	3.7
Made improper turn	0.9	1.9	0.8	2.7	3.4	2.2	4.8	5.4	3.8
Followed too closely	0.8	1.4	0.7	8.5	12.0	5.4	12.5	15.0	7.9
Other improper driving	12.5	19.1	11.2	19.9	18.5	21.1	18.8	23.9	9.6
No improper driving stated	23.1	15.3	24.8	14.7	11.4	17.7	11.0	8.9	14.8

Source: Reports of state and city traffic authorities, as follows: Urban—28 cities; Rural—14 states; Total—NSC estimates based on Urban and Rural reports.
*Principally property damage accidents, but also includes fatal and injury accidents.
†Includes "speed too fast for conditions".

Each traffic offense is listed in Part VII and is assigned a specific number of points, depending upon the severity of the offense.[3] Once three offenses have been committed within 12 months, the length of the suspension is determined by adding the number of points assigned to each offense. Unless a motorist has evidenced a blatant disregard for the traffic laws by committing several gravely serious traffic offenses, his driving privileges will be speedily restored to him. For example, a motorist who has been convicted of a failure to stop for a school bus, passing in a "no passing" zone and a failure to yield the right of way at an intersection, will merely be suspended for 3 months.[4]

A further examination of the "points" assigned to each specific offense reveals that a motorist's driving privileges will not be summarily revoked unless he has been convicted of 3 or more traffic offenses of a much more serious nature, which, therefore, pose a much greater danger to the public safety.[5] It is respectfully submitted that the State has the authority to summarily suspend or revoke driving privileges when a motorist has demonstrated careless driving habits which pose a danger both to himself and to others.

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[3] For example, an individual convicted of three moving violations for speeding (1-10 mph over the limit in clear conditions) would receive a 2-month suspension:

1st offense	6pts
2nd offense	8pts
3rd offense	12pts
Total	20pts

[4] Failure to stop for school bus 20pts
Passing in "no passing" zone 20pts
Failure to yield at intersection 15pts
Total 55pts

[5] Three convictions for speeding in excess of 25 mph over the speed limit would result in a revocation.

Suspensions or revocations under § 6-206(a)3 are also based upon the number of "points" accumulated by a motorist as the result of convictions for offenses against traffic regulations. Rule 6-206(a)3 provides that,

> A person * * * who has accumulated sufficient points to warrant a second suspension within a 5 year period, may either be suspended or revoked by the Secretary of State, *based upon the number of points in his record. A person who has been suspended thrice within a 10 year period shall be revoked.* (emphasis added)

In the instant case, plaintiff's driving privileges were suspended in 1969 and again in 1970. On March 31, 1975, he was convicted of his third traffic offense in 12 months, which would result in a suspension under § 6-206(a)2. Because plaintiff's license had been suspended twice previously within ten years, the Secretary notified him that his license was revoked. This action was mandated by Rule 6-206(a)3.

A summary revocation of driving privileges under the aforesaid circumstances comports with the requirements of due process of law. An individual who has accumulated a sufficient number of points to have had his license suspended three times within ten years has demonstrated a disregard for the traffic laws and the safety of persons on the highways to such a degree that his continued operation of a motor vehicle poses a serious threat to public safety. This fact is recognized by Rule 6-206(a)3, which provides that a driver who has had his license suspended three times within ten years *"shall be revoked."*

There is no constitutional impediment to the temporary, *ex parte* suspension or revocation of driver's licenses under § 6-206 of Illinois Motor Vehicle Code. While it is true that *Bell v. Burson*, 402 U.S. 535, 29 L. Ed.2d 90 (1971); *Fuentes v. Shevin*, 407 U.S. 601, 32 L.

Ed.2d 556 (1972); and *North Georgia Finishing, Inc. v. DiChem*, 419 U.S. 601, 42 L. Ed.2d 751 (1975), held that an *ex parte* seizure of a property right without the opportunity for a prior hearing or other safeguards against mistaken repossession is violative of the Fourteenth Amendment, it is respectfully submitted that those decisions were predicated upon the absence of a fact which is present in the instant case. In the case at bar, suspension or revocation of driving privileges is based upon convictions for motor vehicle violations. Rule 6-206(a) defines "conviction",

> For the purpose of this Rule and its companion rules, a conviction is the final adjudication of "guilty" by a court of competent jurisdiction, either after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as reported to the Secretary of State, and the Secretary of State is not authorized to look behind the conviction.

The hearings on the underlying convictions are judicially conducted hearings in compliance with all of the "other safeguards" required by law. Judicial hearings have been completed and individuals having been determined to lack "due respect for traffic laws and the safety of other persons upon the highway", the State is justified in summarily acting so as to deny, temporarily at least, the entrustment of a motor vehicle to those individuals.

In *Matter of Horodner v. Fisher*, 38 N.Y.2d 680 (1976) the court upheld the constitutionality of Section 510 of the Vehicle and Traffic Law, which provided for mandatory revocation, without notice or hearing, of the license of a driver who had been convicted of three speeding violations within an eighteen-month period. The court recognized that the motorist had been afforded a hearing on each of the underlying convictions:

> * * * [A]s points are accumulated the driver is informed and aware of the consequences thereof. Each conviction, for which points are given, has its due process elements. The policy served by such a statute is to help assure that recidivist traffic offenders are prohibited from traveling the highways. "The compelling public interest in removing from the highways those drivers whose records demonstrate unsafe driving habits outweighs the need for notice and hearing prior to the order to protect the individual against mistake" (citations omitted).

Similarly, in the instant case, the plaintiff has been afforded a hearing on each of the underlying convictions.

Summary suspensions under point systems are thus distinguishable from other *ex parte* seizures. In "point" cases, the administrative body has specific evidence indicating that the driver poses a danger to public safety. The suspension is founded on the final judgments of trials in which the motorist was given the opportunity to make a full presentation and to fully contest the allegations against him. Since individuals whose driver's licenses are suspended or revoked under § 6-206 are given the opportunity for full hearings in court prior to the revocation or suspension, these individuals have been afforded procedural due process prior to the loss of their licenses.

Plaintiff argues that a suspension or revocation under § 6-206 is discretionary and, therefore, the licensee must be given an opportunity for a hearing prior to suspension or revocation. (Appellee's Brief, pp. 15-19). While it is true that the action of the Secretary under § 6-206 is pursuant to a statutory grant of discretionary authority, a further hearing prior to suspension or revocation is not required. The preliminary suspension

or revocation of driving privileges under this section is governed by the point system promulgated by the Secretary of State, which is uniformly applied to all licensed drivers. Rule 6-204 provides,

> *The Secretary of State*, in order to fully utilize conviction reports filed with him by the courts of this State and other States, *shall promulgate a point system as a standard in determining whether to suspend or revoke driving privileges and to determine the period of suspension or revocation.* The point system may take into consideration:
>
> 1. The severity of the offense and conviction;
> 2. the total number of offenses and convictions of a driver;
> 3. the penalty imposed by the court;
> 4. the recommendations, if any, of the court; and
> 5. prior suspensions or revocations,
>
> and *shall act as a standard for the Secretary in determining the fitness or unfitness of any person to safely operate any motor vehicle* in a manner conducive to the public safety and welfare, *and in determining whether such person has due respect for traffic laws and the safety of other persons upon the highway.* (Emphasis added).

The distinction between a suspension or revocation under this section and a revocation under the Secretary's mandatory authority (§ 6-205) is that under § 6-205 the Secretary is not authorized to restore the driving privileges of the motorist. The only authority which the Secretary has under § 6-205 is to issue a restricted driving permit where "undue hardship would result from a failure to issue such restricted driving permit." However, under § 6-206 the Secretary is authorized to hold a hearing (pursuant to § 2-118) and, at the conclusion of such hearing, the Secretary "shall either rescind or continue an order of revocation or shall substitute an order of suspension therefor; or, good cause

appearing therefor, rescind, continue, change or extend his order of suspension." (§ 6-206(c)3). Therefore, § 6-206 gives the Secretary discretionary authority to *restore driving privileges* after the motorist has been afforded a full evidentiary hearing pursuant to § 2-118 of the Code. Since this discretion is exercised only after the individual has been afforded an opportunity for a hearing, the action of the Secretary affords individuals due process of law.

Plaintiff argues that the decision of this Court in *Bell v. Burson, supra*, mandates the law to provide a hearing prior to the suspension or revocation of a driver's license. In *Bell* this Court examined Georgia's Motor Vehicle Safety Responsibility Act, which required that unless an uninsured motorist involved in an accident posted security to cover damages claimed by aggrieved parties, his vehicle registration and operator's license would be suspended. This Court held that, since "fault" was a significant element in the decision to deprive a motorist of his license, "before the State may deprive [him] of his driver's license and vehicle registration it must provide a forum for the determination of the question whether there is a reasonable possibility of a judgment being rendered against him as a result of the accident." (29 L. Ed.2d at 96). However, since suspensions or revocations under § 6-206 are based upon convictions for motor vehicle violations, the "fault" of the motorist has already been judicially determined—at least to a "reasonable possibility" which is all that *Bell* requires. Therefore, the procedures outlined by this section conform to the dictates of *Bell v. Burson.*

Additionally, it should be noted that the instant case is distinct from *Bell* in a crucial aspect. Here, the State's interest in protecting the public from an unsafe driver is much stronger than the State's interest in *Bell* in

protecting the public from a financially irresponsible driver. This fact was recognized by the court in *Rios v. Cozens*, 7 C.3d 792, 103 Cal. Rptr. 299, 499 P.2d 979 (1972),

> We observe, . . . that the primary purpose of the financial responsibility law is not to assure that careless drivers are denied the use of the highways—since the most grossly negligent drivers who can post security . . . may retain their licenses—but, rather, to afford monetary protection to those who suffer injury or property damage by virtue of the carelessness of financially irresponsible drivers. (citation omitted) We do not denigrate the desirability of making whole the victims of automobile accidents. But viewed in this economic context, the purpose of the statutes under consideration bears a remarkable relationship to prejudgment creditor's remedies and therefore does not justify a difference in treatment. (*Id.* 7 C.2d at 796).

In contrast to the financial responsibility statutes under scrutiny in *Bell* and *Rios*, suspensions or revocations under the Illinois statute cannot be viewed in an "economic context" because the primary purpose of the act is to protect the public safety by assuring "that careless drivers are denied the use of the highways." In *Fuentes v. Shevin, supra*, this Court recognized that there are "extraordinary situations" which justify postponement of notice and hearing until after seizure of the property interest:

> Thus, the Court has allowed summary seizure of property to collect the internal revenue of the United States, to meet the needs of a national war effort, to protect against the economic disaster of a bank failure, and to protect the public from misbranded drugs and contaminated food. (*Id.* 32 L. Ed.2d at 576)

The judicially recognized state concerns outlined in *Fuentes* are not significantly different from the concern of protecting the public from the hazards of drivers who

have been adjudged guilty of repeatedly violating motor vehicle laws.

In determining the "timing" of a due process hearing, this Court in *Bell* set out as a guideline:

> * * * [I]t is fundamental that except in emergency situations * * * due process requires that when a State seeks to terminate an interest such as that here involved, it must afford 'notice and opportunity for hearing appropriate to the nature of the case' before the termination becomes effective. (402 U.S. at 542).

The later case of *Fuentes v. Shevin, supra*, reaffirmed the *Bell* standards and explained its concept of "emergency situations" where a prior hearing would not be required:

> There are "extraordinary situations" that justify postponing notice and opportunity for a hearing. *Boddie v. Connecticut*, 401 U.S. [371], at 379, 91 S.Ct. [780], at 786 [28 L.Ed.2d 113, 119 (1971)]. These situations, however must be truly unusual. Only in a few limited situations has this Court allowed outright seizure without opportunity for a prior hearing. First, in each case, the seizure has been directly necessary to secure an important governmental or general public interest. Second, there has been a special need for very prompt action. Third, the State has kept strict control over its monopoly of legitimate force: the person initiating the seizure has been a government official responsible for determining, under the standards of a narrowly drawn statute, that it was necessary and justified in the particular instance. * * * (*Id.* 32 L.Ed.2d at 575-577).

However, in *Mitchell v. W.T. Grant Co.*, 416 U.S. 600, 40 L. Ed.2d 406 (1974) this Court apparently abandoned the more definite "emergency situation" standard in favor of the more traditional "balancing of interests" test. In *Mitchell* this Court, quoting a pre-*Bell* case,

stated "[T]he very nature of due process negates any concept of inflexible procedures universally applicable to every imaginable situation." (40 L. Ed.2d at 415 quoting *Cafeteria Workers v. McElroy*, 367 U.S. 886, 6 L. Ed.2d 1230, 1236 (1961)). In *Mitchell* this Court upheld Louisiana's sequestration statute, which allowed a creditor to obtain a writ of sequestration against a debtor without a prior notice or hearing. It did so using the balancing test. Under the balancing test, the validity of an *ex parte* procedure will be determined by comparing the extent to which it may subject an individual to an arbitrary or wrongful deprivation of his property interests with the need of the State to use the procedure in order to further the interests of those it seeks to protect.

Irrespective of whether the "emergency situation" standard or the "balancing of interests" test is applied to the facts of the instant case, it is submitted that there is no constitutional impediment to a temporary *ex parte* suspension of the driving privileges of individuals who have been repeatedly convicted of motor vehicle violations, because these individuals pose a serious threat to the safety of all persons on the highways of the State.

Although summary action remains a striking exception to the due process requirement of a prior hearing, this Court has indicated that the State is justified in acting summarily, and hence does so without denying due process, "when the state's interest in acting promptly to protect the public against a serious threat to its safety, health, or economic well-being outweighs the individual's interest in having an opportunity to be heard before the state acts, perhaps in error, in ways that may cause him significant injury." Freedman, *Summary Action by Administrative Agencies*, 40 Chicago U. L. Rev. 1, 25-26. In the instant case, § 6-206

evidences a purpose to protect the public from persons concerning whom there is a reasonable ground to believe that the operation of a motor vehicle would create a risk of injury to themselves or others. Obviously, the interest of the State in protecting the public is substantial, and it is not unreasonable under the circumstances to permit summary action to suspend or revoke the driving privileges of such an individual pending a hearing upon a timely request. Furthermore, the risk of erroneous action is minor. The action of the Secretary is based upon conviction reports which are supplied by the courts. While it is true that clerical errors are possible, the risk of such error is small compared to the risk to the public of allowing such motorists to continue to drive pending administrative hearings. Therefore, the State is justified in summarily suspending or revoking driving privileges under § 6-206 of the Motor Vehicle Code.

Plaintiff contends, for the first time on appeal, that the Secretary was not authorized, even as an exercise of his discretion, to revoke his license to drive a commercial vehicle in his occupation. (Appellee's brief, pp. 37-40). This contention is predicated upon the fact that § 6-206(c)2 provides that a person's license to drive a commercial vehicle as an occupation "shall not be revoked or suspended unless five offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with his regular occupation." This contention is without merit. Section 6-206(c)2 further provides that within 25 days after the mailing of a notice of suspension or revocation, such a driver may submit an affidavit stating "the number of offenses committed while driving a commercial vehicle in connection with his regular employment." Additionally, this section provides that the Secretary "shall thereupon send to said driver a permit to drive a commercial vehicle in his regular occupation." And, "Unless such affidavit is properly completed by the driver and

received by the Secretary of State within such 25-day period, such driver's license to drive any motor vehicle shall be revoked or suspended as set forth in the notice that was mailed pursuant to subparagraph 2 of paragraph (c) of this Section. * * * In lieu of the affidavit provided for above, the driver may request a hearing pursuant to Section 2-118 of this Act." Since, in the instant case, plaintiff did not file the required affidavit (nor did he request a hearing under § 2-118), the revocation of his driver's license pursuant to § 6-206(c)2 was authorized by statute.

Finally, even assuming that due process would otherwise require a preliminary hearing prior to the suspension or revocation of driving privileges, the danger to the public presented by a driver with a record of frequent traffic violations constitutes an emergency situation sufficient to obviate the need for such a hearing. In *Fuentes v. Shevin, supra*, this Court held that *ex parte* takings of property could be appropriate in "extraordinary situations" (*Id.* 407 U.S. at 91). The factors which must be present in such a situation are: 1) there must be an important governmental or general public interest; 2) a special need for very prompt action and 3) the state must keep "strict control over its monopoly of legitimate force: the person initiating the seizure [must be] a government official responsible for determining, under the standards of a narrowly drawn statute, that it [is] necessary and justified in the particular instance." (*Id.* 407 U.S. at 91).

A revocation under § 6-206(a)3 meets all of the aforesaid requirements. Unquestionably, there is an important governmental interest in removing recidivist traffic offenders from the highways. Traffic regulations are enacted in order to ensure the safety of the general public. Individual motorists who repeatedly violate these

regulations pose a threat to public safety which requires "very prompt action."

Plaintiff argues that there is no special need for prompt action because "the revocation is actually based on how the traffic violations are grouped and not their absolute number." (Appellee's brief, p. 25). While it is true that a motorist's license will not be suspended or revoked unless he has been convicted of at least three offenses within 12 months, this requirement does not obviate the need for prompt action. An individual who has committed three traffic offenses in such a short period of time has demonstrated careless driving habits sufficient to warrant summary action. Furthermore, the rules provide for the issuance of a probationary license to an otherwise careful driver who has been convicted of three minor traffic offenses within 12 months. Rule 6-206(a)2.1 provides:

> A person who has been convicted of three (3) or more offenses against traffic regulations, governing the movement of vehicles within a twelve (12) month period, may qualify for a probationary drivers license provided he meets the following requirements:
>
> 1. The petitioner's total point accumulation must not exceed 62 points.
> 2. The petitioner must have attained the age of 18 years.
> 3. The petitioner's drivers license and/or privileges must not have been previously revoked or suspended within the past 10 years, excluding suspensions or revocations pursuant to Section 6-206(a)13 of the Illinois Vehicle Code for violations of the Curfew Act and/or Section 11-501.1 of the Implied Consent Act.
> 4. The petitioner must complete and agree to all the provisions of form DL DC 118 or its superseding form titled "Petition for a Restricted Driving Permit and Probationary License" and submit the required fee and surrender his current valid drivers license.

Section 6-206(a)3 provides for *ex parte* revocations by the Secretary in two specific cases. First, if an individual's license has been suspended twice within 5 years and he has accumulated sufficient points (in excess of 110 pts.) to warrant a revocation. Second, where an individual's driving privileges have been suspended three times within ten years. Section 6-206(a)3 is, therefore, "narrowly drawn", since it provides for suspension or revocation only where there is a high probability of risk to the public safety.

Finally, the plaintiff argues that the amount of time which elapsed between his conviction and his notice of revocation indicates that the Secretary did not consider the situation to be an emergency. (Appellee's brief, pp. 26-27). The facts indicate that plaintiff's final conviction occurred on March 31, 1975 and the Secretary did not mail the Notice of Revocation until May 28, 1975 (revocation to begin June 6, 1975). It is respectfully submitted that this delay does not indicate a lack of concern about the problem, but rather it was occasioned by the fact that the Secretary must process a large number of suspensions and revocations each year and a delay is practically inevitable.

During the year 1976 the Secretary processed 57,785 revocations and suspensions:[6]

	Suspensions entered 1976	Revocations entered 1976
Sec. 6-206 (a) 1.	None	978
(a) 2.	48,572	15
(a) 3.	12	389
(a) 4.	83	11
(a) 5.	99	2
(a) 6.	2,550	350
(a) 7.	None	None
(a) 8.	None	None
(a) 9.	35	42
(a) 10.	33	3
(a) 11.	486	None
(a) 12.	304	7
(a) 13.	27	None
(a) 14.	1,273	149
(a) 15.	1	None
(a) 16.	1,833	None
(a) 17.	None	None
(a) 18.	None	None

Therefore, the delay which occurred in the instant case between plaintiff's final conviction and the mailing of his Notice of Revocation did not indicate that the Secretary did not consider that the situation merited prompt action, but rather it was occasioned by the problems presented in processing the volume of suspensions and revocations which occur in this State. The

[6] Statistics were supplied by Robert W. Cooney, Administrator, Driver Performance Division, Driver Services Department. It should be noted that the number of revocations under § 6-206(a)3 is lower than average due to the fact that subsequent to the decision of the three judge court in the instant case, the Secretary did not revoke licenses under this section. In 1975, 2,378 revocations were entered pursuant to this section.

speedy removal of drivers who have demonstrated careless driving habits is an emergency situation sufficient to come within the exception to the rule which requires a preliminary hearing and, therefore, the lack of such a hearing in the instant case did not deprive plaintiff of due process.

CONCLUSION

For the foregoing reasons, Appellant respectfully urges this Honorable Court to reverse the judgment of the three-judge district court which permanently enjoined the enforcement of the Illinois statute on the ground that it violates due process of law.

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